Claim 9. (Three times amended) A recombinant multimeric protein according to claim 1, wherein the polypeptide fusion monomer A comprises CD4 or a derived protein, and monomer B comprises the scFv of an antibody.

Claim 22. (Three times Amended) A recombinant multimeric protein according to claim 1, wherein the C-terminal fragment of the α chain comprises SEQ ID NO 9, and the C-terminal fragment of the β chain comprises SEQ ID NO 10.

Claim 25. (Twice Amended) A recombinant multimeric protein according to claim 23, wherein the C-terminal fragments of the α chain is contained in SEQ ID NO 7, and the C-terminal of the β chain is contained in SEQ ID NO 8.

REMARKS

The Office Action mailed May 11, 2001, has been received and its contents carefully noted. Applicant(s) acknowledge with thanks the Examiner's decision to allow claims 1-8, 10-16, 20, 22-24, and 26.

Attached hereto is a markup version of the changes made to claims 2, 9, 22, and 25, by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Claims 1-18, 20, and 22-26 are now active in the Application; claims 1-8, 10-16, 20, 22-24, and 26 have been allowed and claims 9, 17, 18, and 25, are believed to be in allowable condition.

The rejection of claims 17 and 18 under 35 U.S.C. §112, first paragraph, has been obviated in view of the arguments which follow. Applicants submit that it is within the ability of a person of skill in the art to produce medicaments and use them for therapy based on the specification of the application and the references cited, without undue experimentation. Such a determination is readily made based on the levels given in the animal studies documented. Applicants have demonstrated high circulating levels of drug in nude mice as described in Shinya et al. (1999). Similar plasma levels can reasonably be expected in humans and this concentration retains the capacity to inhibit HIV infection. It is known in the art that there are not good animal models for the treatment of HIV infection and such are not necessary to demonstrate the efficacy of treatment.

The rejection of claims 9 and 25 under 35 U.S.C. §112, second paragraph, has been obviated by the amendments made herein to the claims. Claim 9 has been amended to use the phrase "derived molecule of CD4". Derived molecule is defined on page 7, lines 18-20. Claim 25 has been amended to identify the sequence.

Editorial Changes to Sequences: The application uses two different systems of sequence nomenclature were inadvertently used: SwissProt and Genbank, resulting in a discrepancy in the sequence numbers used. The specification uses the Swissprot system and some of the claims used the Genbank system. The difference is a 48 amino acid leader sequence that is included in the Genbank sequence, but not in the Swissprot. For clarity, we have amended the claims to refer to the SEQ ID NO's in sequence listing, and removed amino acid numbers.

The underlying sequences have not been altered and no new matter is appended hereby. The changes are of an editorial nature, to place the application in condition for allowance.

In view of the foregoing amendments and remarks, it is requested that the rejections of record be reconsidered and withdrawn, that the amended claims be allowed, in addition to allowed claims 1-8, 10-16, 20-24, and 26, and that the Application be found to be in allowable condition.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition. Note, one of the inventors will be in this country on September 25 and 26 and would be able to attend an interview with the Examiner on either of those days.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE.

In the claims:

Claim 2 (Four times amended) A recombinant multimeric protein according to claim 1, wherein the C-terminal fragment of the α chain is contained in [between amino acids 493 and 549 (] SEQ ID NO 7 [)] and the C-terminal fragment of the β chain is contained in [between amino acids 196-252 (] SEQ ID NO 8 [)].

Claim 9. (Three times amended) A recombinant multimeric protein according to claim 1, wherein the polypeptide fusion monomer A comprises CD4 or a [derivative of CD4] derived protein, and monomer B comprises the scFv of an antibody.

Claim 22. (Three times Amended) A recombinant multimeric protein according to claim 1, wherein the C-terminal fragment of the α chain comprises [includes amino acids 510 to 549 (] SEQ ID NO 9 [ )], and the C-terminal fragment of the β chain comprises [includes amino acids 216-252 (] SEQ ID NO 10 [)].

Claim 25. (Twice Amended) A recombinant multimeric protein according to claim 23, wherein the C-terminal fragments of the α chain is contained in [between amino acids 541 and 597 (] SEQ ID NO [11] 7 [)] , and the C-terminal of the β chain is contained in [between amino acids 193 and 252 (] SEQ ID NO [12] 8 [)] .